

Notice of Allowability

Application No.

10/790,470

Examiner

Lorna M. Douyon

Applicant(s)

RAEHSE ET AL

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 12/6/04.
2. ☒ The allowed claim(s) is/are 1, 3-33 renumbered 1-32 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/6/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
Art Unit 1751

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on December 6, 2004 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Glenn E.J. Murphy on March 14, 2005.

3. The application has been amended as follows:

3.1. In claim 1, line 8 (last line), after "salts" the following has been added:

-- , wherein the polyvalent metals are selected from the group consisting of transition metals and lanthanoids--.

3.2. Claim 2 has been canceled.

3.3. In claim 7, line 2, "0.02%" has been replaced with --0.05%--.

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3.4. In claim 25, line 10 (last line), after “granules” the following has been added:

-- , wherein the polyvalent metals are selected from the group consisting of transition metals and lanthanoids--.

3.5. In claim 33, line 1, “granulate” has been replaced with --granule--.

3.6. In the “Abstract of the Disclosure” line 7 of the paragraph, “said” before “salts” has been replaced with --the--

STATEMENT OF REASONS FOR ALLOWANCE

4. The following is an examiner’s statement of reasons for allowance:

The most pertinent prior art known to the Examiner is listed on the forms PTO-892 and 1449. The claims in their present amended forms have overcome the prior art of record because none of them teaches, discloses or suggests a granulate, or a process for the preparation thereof in the manner as those recited, in particular, wherein the outer encapsulation layer comprises a polyvalent metal salt of an unbranched or branched, unsaturated or saturated, mono- or polyhydroxylated fatty acid having at least 12 carbon atoms or a mixture of said salts, wherein the polyvalent metals are selected from the group consisting of transition metals and lanthanoids. Sato et al. (EP 0,407,189), the closest prior art, teach a stabilized sodium percarbonate which is obtained by incorporating to the percarbonate a stabilizer consisting essentially of (A) at least one compound selected from the group consisting of mono- and dicarboxylic acids having not less than four carbon atoms and salts thereof, for example, recinoleic(sic) acid, among a laundry list, and (B) at least one compound like sulfates of alkali metal or alkaline earth metal (see abstract; page 2, lines 37-42 and line 55). One method for preparing the stabilized sodium

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percarbonate is by dissolving the stabilizer components in water or an organic solvent and spraying the resulting solution to flowing crystals or granules of sodium percarbonate followed by drying (see page 3, lines 24-29). Examples of salts of mono- and dicarboxylic acids each having not less than four carbon atoms which may be used in the present invention include sodium salts, potassium salts, magnesium salts and calcium salts of the C₄ or more mono- and dicarboxylic acids (see page 3, lines 8-10). Sato, however, fails to teach a transition metal or lanthanoid salt of C₄ or more mono- and dicarboxylic acids, let alone the transition metal or lanthanoid salt of ricinoleic acid, which is one among a laundry list of acids taught by Sato. Inasmuch as Sato does not clearly envisage an encapsulating layer comprising a transition metal or lanthanoid salt of mono- or polyhydroxylated fatty acid having at least 12 carbon atoms, the present claims are found to be allowable.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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